

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

DOMINIC BROWN

Case No. 3:20-MJ-1088

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Mollie G. Treadway, being duly sworn, do depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since 2009. I currently work in the Knoxville Field Office of the FBI and am assigned to the Joint Terrorism Task Force. During my tenure as an FBI Special Agent, I have investigated numerous crimes including, but not limited to, gangs and organized crimes, weapons violations, narcotics trafficking, money laundering, kidnapping and fugitive investigations. I have received training and have gained experience in interview and interrogation techniques, as well as debriefing witnesses, informants and others who may have knowledge of criminal activities. Additionally, I have received training and have gained experience in arrest procedures, search warrant applications, the execution of searches, electronic surveillance, and various other criminal laws and procedures.

2. This affidavit is submitted in support of a criminal complaint against Dominic BROWN, charging him with violating 18 U.S.C. § 2101 (Riots) and 18 U.S.C. § 231 (a)(3) (Civil Disorder).

3. Title 18, United States Code, Section 2101 provides in relevant part: "[w]hoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce"

with the intent to (1) incite a riot, (2) organize, promote, encourage, participate in, or carry on a riot; (3) commit any act of violence in furtherance of a riot; or (4) aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence of violence in furtherance of a riot; “and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose” enumerated above has committed a federal crime.

4. Section 2102(a) defines the term “riot” to mean the following:

a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or

(2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability to immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

5. Section 2102(b) provides the following:

the term ‘to incite a riot’, or ‘to organize, promote, encourage, participate in, or carry on a riot’, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

6. Title 18, United States Code, Section 231(a)(3) provides in relevant part:

“[w]hoever commits or attempts to commit any act to obstruct, impede, or interfere with any ... law enforcement officer lawfully engaged in the lawful performance of his official duties... during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce ...” has committed a federal crime. The term “civil disorder” means “any public disturbance involving acts of violence by assemblages of three or more persons,

which causes an immediate danger of or results in damage or injury to the property or person of any other individual.”

7. I am familiar with the facts and circumstances in this affidavit as a result of my personal participation in this investigation as well as my review of official reports and records and conversations with other law enforcement officers described below. Because this affidavit is being submitted for the limited purpose of supporting probable cause, I have not included each and every fact known to me concerning this investigation.

PROBABLE CAUSE

8. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd’s arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Following Mr. Floyd’s death, public protests began in Minneapolis and expanded throughout the country including in Knoxville, Tennessee. In some instances, these public protests have become violent resulting in the destruction of property, serious bodily injury, and even death.

9. I have reviewed images of posts made on Snapchat,¹ a social media application, by an account bearing the username “bred” (hereinafter “Snapchat Account”). I believe that this Snapchat Account is operated by Dominic BROWN, a resident of Heiskell, Tennessee.²

¹ Snapchat is a multimedia messaging application that is typically accessed by downloading the Snapchat application onto a mobile device such as a mobile telephone. In order to send and receive content on Snapchat, a user typically must be connected to the internet or to a cellular telephone service.

² I have reviewed a video posted on the Snapchat Account that depicts BROWN discussing some of the events described herein, including his arrest on May 31, 2020. During the video, BROWN also showed the booking photo of him taken by law enforcement officers in connection with his May 31, 2020 arrest.

10. On or about May 30, 2020, BROWN made several posts on his Snapchat Account which were intended to incite and organize a riot at the West Town Mall located in Knoxville, Tennessee.

a. In one such post, BROWN stated “we are not each other’s enemy only enemy is 12 [middle finger emoji].”³ I know from training and experience that the reference to the number “12” in this context is a slang term directed towards law enforcement officers. In this post, BROWN provided the street address of a Target store that is located in close proximity to the West Town Mall.

b. In another post, BROWN stated the following in connection with a published news story that law enforcement officers were taking threats to West Town Mall seriously: “ok bet lol. Fuck 12 they ain stopping shit haha I done got felonies and y’all ain stop shit fuck outta here.”

c. BROWN made two separate posts on his Snapchat Account containing images depicting maps of the interior of West Town Mall and another post which stated in part, “If we get at least 300 people we can raid the mall and everything in there....”

11. Using his Snapchat Account, BROWN also provided instructions to others as well as updates on his own preparations for the riot.

a. For example, in one post BROWN instructed, “be there by 10:30, lace your shoes, wear masks and gloves. Bring hammers bricks whatever you want.” This post also depicted the legs and feet of an individual [believed to be BROWN] standing in a bedroom.

³ This quote and those that follow include a number of grammar and punctuation errors originally made by BROWN who is quoted without the use of “sic.”

b. In another post, BROWN stated, “clique up before all y’all get active so we all show up at once fuck the waiting a hour on slow pokes clear your agenda if you comin. 10:30.” This post depicted the legs and feet of an individual [believed to be BROWN] who appears to be sitting inside the passenger seat of a motor vehicle.

c. In a post that purportedly depicted BROWN’s arrival at the aforementioned Target store, BROWN stated, “Target beside the mall.” This post contained a photograph of the legs and feet of an individual [believed to be BROWN] standing next to a motor vehicle in what appears to be a paved parking lot.

12. Later on or about May 30, 2020, BROWN made the following post to his Snapchat Account, “went to target it was dead headed to downtown.”

13. In the early morning on May 31, 2020, at approximately 1:20 am, Knoxville Police Department (“KPD”) Officers responded to a civil disorder in the Market Square area in downtown Knoxville, Tennessee. Market Square is a pedestrian mall that contains offices, several retail shops, restaurants, and entertainment venues. Some participants in the civil disorder vandalized the offices, retail shops, and restaurants in Market Square, resulting in the damage of property.

14. According to a police report, KPD Officers observed BROWN tell a group of approximately 80 individuals to stay together when the riot begins. KPD Officers issued several warnings for the crowd to disperse.

15. Approximately an hour later, KPD Officers observed BROWN return to Market Square and begin vandalizing flower pots in front of various retail locations throughout Market Square. KPD Officers followed BROWN to the corner of Gay Street and Union Avenue. While at that location, KPD Officers observed BROWN pick up a trash can lid filled with an unknown


liquid and strike another KPD Officer in the head. The KPD Officer was sitting in a marked police vehicle.

16. BROWN then attempted to flee the area but was ultimately arrested by KPD Officers and charged with state crimes of assault, disorderly conduct, evading arrest, resisting arrest, and inciting to riot.

CONCLUSION

17. Based on the foregoing, I respectfully submit that there is probable cause to believe that, within the Eastern District of Tennessee, BROWN has violated Title 18, United States Code, Sections 2101 (Riots) and 231 (a)(3) (Civil Disorder).

Respectfully submitted,


Mollie G. Treadway
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on June 4, 2020:


United States Magistrate Judge

